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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/311,753 05/14/99 INQUE

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IM62/0830
SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE N W
WASHINGTON DC 20037

EXAMINER

AHMED, S

ART UNIT

PAPER NUMBER

1773

DATE MAILED:

08/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/311,753

Applicant(s)
In ue et al.

Examiner
Sheeba Ahm d

Group Art Unit
1773



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-4 _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-4 _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3 and 4
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mamish (US 5,227,225).

Mamish discloses a masking tape (*equivalent to the sheet of the claimed invention*) comprising a layer of a polyolefin film (*equivalent to the polymer film of the claimed invention*) coated onto a nonwoven cloth (*equivalent to the nonwoven fabric of the claimed invention*) and having a pressure-sensitive adhesive layer (*equivalent to the pressure sensitive adhesive layer of the claimed invention*) applied to the film-nonwoven laminate (Column 1, lines 39-43). The nonwoven is not present as a discrete layer and the polyolefin film coats the surfaces of the nonwoven cloth and invades its interstices such that the cloth is *embedded* in the polyolefin film (*hence the Examiner takes the position that the pressure-sensitive adhesive layer is formed on the surface of the polyolefin film*) (Column 1, lines 56-62). Examples of polyolefin films that may be used include polyethylene, ethylene propylene rubber and polypropylene (*thus meeting the limitation that the polymer film is a thermoplastic polymer*) (Column 2, lines 16-27) and these have a thickness of about 1.5 to 2.0 mils (*equivalent to 38.1 to 50.8 μm*) (*thus meeting*

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the limitation that the polymer film has a thickness of from 5 to 40 μm (Column 2, lines 37-40). The nonwoven cloth may be any synthetic nonwoven known in the art (Column 3, lines 14-18). The pressure sensitive adhesive should be sufficiently aggressive to adhere well to a substrate such as glass, metal, plastic etc. (Column 3, lines 38-43). Furthermore, the Examiner interprets the recitation "for protecting paint films of automobiles" as a recitation of intended use. All limitations of the claimed invention are disclosed in the above reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mamish (US 5,227,225).

Mamish, as discussed above, discloses the claimed invention but does not specifically state that the masking tape is used for protecting paint films of automobiles or that the basis weight of the nonwoven fabric is from 5 to 100g/m². However, the Examiner takes the position that it would have been obvious to one having ordinary skill in the art to use the masking tape disclosed

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by Mamish for protecting the paint films on automobiles given that Mamish specifically teaches that the pressure sensitive adhesive should be selected such that it adheres to metal as well as other polymeric surfaces. Furthermore, the Examiner takes the position that it would have been obvious to one having ordinary skill in the art to have determined the optimum basis weight of the nonwoven fabric through routine experimentation in the absence of a showing of criticality in the claimed basis weight.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirai et al. (US 6,037,054).

Shirai et al. disclose a sheet for protecting a paint film or the surface of bodies and parts of automobiles (Column 1, lines 4-7). The sheet comprises a support having thereon a pressure sensitive adhesive layer (Column 2, lines 50-55). Any appropriate material may be used as the support and examples include plastic films such as polyethylene or polypropylene and porous films such as paper or nonwoven fabrics (Column 7, lines 33-40). Accordingly, it would have been obvious to one having ordinary skill in the art to use a support having a plastic film layer and a nonwoven fabric layer given that Shirai et al. specifically teach that any appropriate material may be used as the support and given that the mere duplication of layers has no patentable significance unless a new and unexpected result is produced. Furthermore, the Examiner takes the position that it would have been obvious to one having ordinary skill in the art to have determined the


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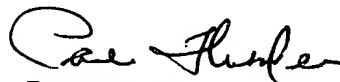
optimum basis weight of the nonwoven fabric and the thickness of the polymer film through routine experimentation in the absence of a showing of criticality in the claimed sizes.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Sheeba Ahmed whose telephone number is (703) 305-0594. The Examiner can normally be reached on Monday-Thursday from 8am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Paul Thibodeau, can be reached at (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5436.

 Sheeba Ahmed
August 22, 2000


Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700